

TRANSCRIBED BY:           Genevieve A. Hamlin, CSR-3218 RMR, CRR  
Federal Official Court Reporter  
110 Michigan Avenue NW  
Suite 601  
Grand Rapids, MI 49503  
(517) 881-9582

1 Grand Rapids, MI

2 December 20, 2023

3 3:05 p.m.

4 *PROCEEDINGS*

5 THE CLERK: Court calls case number 23-cr-26, United  
6 States versus Donna Jean Schucker.

7 THE COURT: Good afternoon, everyone. We are on the  
8 record this afternoon for a second try for a change of plea  
9 hearing in this case. Let's start with appearance of counsel.

10 MR. REUST: Good afternoon, Your Honor. Davin Reust  
11 for the United States.

12 MS. NIEUWENHUIS: Good afternoon. Helen Nieuwenhuis  
13 on behalf of Ms. Schucker, and she's here as well seated to my  
14 right.

15 THE COURT: Good afternoon to both of you.

16 THE DEFENDANT: Good afternoon.

17 THE COURT: Ms. Nieuwenhuis, does your client wish to  
18 proceed?

19 MS. NIEUWENHUIS: Yes, she does, Your Honor.

20 THE COURT: All right. We talked about a lot, in  
21 fact, everything that I'm going to have to repeat again today,  
22 at our last hearing. I might try to shorten that just a  
23 little bit but I don't know if I can in most respects, but,  
24 Ms. Schucker, do you remember clearly that plea hearing which  
25 was only a couple weeks ago?

1 THE DEFENDANT: Yes, I do.

2 THE COURT: All right. And do you remember all the  
3 things we talked about at that hearing?

4 THE DEFENDANT: Yes, I do.

5 THE COURT: And do you understand everything we  
6 talked about in that hearing?

7 THE DEFENDANT: Yes, I do.

8 THE COURT: And we -- one of the things we talked  
9 about was that you have the right to have a district court  
10 judge conduct this hearing. Do you remember that as well?

11 THE DEFENDANT: Yes.

12 THE COURT: And do you remember the difference  
13 between a district court judge and magistrate judge?

14 THE DEFENDANT: Yes.

15 THE COURT: All right. And it is still your  
16 intention and free will decision to consent to my conducting  
17 this hearing today?

18 THE DEFENDANT: Yes.

19 THE COURT: All right. Up on the screen we have the  
20 Court's consent form which explains a lot of those things as  
21 well. Is that your signature on the form?

22 THE DEFENDANT: Yes, it is.

23 THE COURT: And did you read and understand that form  
24 before you signed it?

25 THE DEFENDANT: Yes.

1 THE COURT: So it is your decision to consent to my  
2 conducting this hearing today?

3 THE DEFENDANT: Yes.

4 THE COURT: And I'm also required to ask if counsel  
5 consents.

6 MS. NIEUWENHUIS: Yes, Your Honor.

7 MR. REUST: Yes, Your Honor.

8 THE COURT: All right. I do find that that is a  
9 knowing and voluntary decision by the defendant to consent to  
10 my conducting this hearing.

11 We also talked a little bit about your competency  
12 last time, and I remember some of your answers to that but I  
13 suppose I should ask you if anything is bothering you today  
14 physically or mentally that would make it difficult for you to  
15 understand what's happening in court?

16 THE DEFENDANT: No, not at all.

17 THE COURT: Okay. And have you taken any medication,  
18 other drugs, or alcohol in the last 24 hours?

19 THE DEFENDANT: Nothing other than medication that  
20 I'm prescribed.

21 THE COURT: Okay. And we talked about that a little  
22 bit the last time, too, I believe, right?

23 THE DEFENDANT: (Non-verbal response).

24 THE COURT: You have to say yes or no.

25 THE DEFENDANT: I'm sorry, yes.

1 THE COURT: All right. And, Ms. Nieuwenhuis, do you  
2 have any reason to believe that she's not competent to proceed  
3 today?

4 MS. NIEUWENHUIS: No, Your Honor.

5 THE COURT: She also certainly appears to me to be  
6 understanding what I'm saying and responding appropriately, so  
7 we will proceed.

8 I think you will recall that I told you the last time  
9 that you have the right to counsel at every stage of the  
10 proceedings against you. Do you remain satisfied with Ms.  
11 Nieuwenhuis' representation of you?

12 THE DEFENDANT: Yes.

13 THE COURT: I also told you back then that you have  
14 the right to remain silent and anything you do say could be  
15 used against you at your trial in this matter, but if you  
16 decide to plead guilty, you'll be giving up that right because  
17 I'll be asking you questions about what you did that makes you  
18 guilty of this crime. Do you understand all of that?

19 THE DEFENDANT: Yes.

20 THE COURT: And is it your intention to give up your  
21 right to remain silent in order -- for the purposes of  
22 entering a guilty plea today?

23 THE DEFENDANT: Yes.

24 THE COURT: All right. My courtroom deputy is going  
25 to swear you in.

1 THE CLERK: Please raise your right hand.

2 DONNA JEAN SCHUCKER,

3 *having been sworn by the Clerk at 3:08 p.m., testified as*  
4 *follows:*

5 THE DEFENDANT: I do.

6 THE COURT: All right. So you've just sworn to tell  
7 the truth, and that means that if you were to make a false  
8 statement, the government would have the right to use that  
9 false statement against you in any subsequent prosecution for  
10 perjury or making a false statement. Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: Have you had an opportunity to review the  
13 superseding felony information with your lawyer?

14 THE DEFENDANT: Yes, I did.

15 THE COURT: All right. Do you have it in front of  
16 you there?

17 THE DEFENDANT: Yes.

18 THE COURT: So, you are charged slightly differently  
19 in this superseding felony information than in the prior  
20 superseding felony -- I mean, prior felony information. In  
21 the prior felony information you were charged with concealing  
22 a material fact under 18 United States Code  
23 Section 1001(a)(1). In the superseding felony information  
24 you're charged with making a materially false statement in  
25 violation of 18 United States Code Section 1001(a)(2), and

1 specifically what's alleged is that on or about September 7th  
2 of 2022 in Lake County, which is in this judicial district,  
3 that you knowingly and willfully made a materially false,  
4 fictitious, and fraudulent statement in a matter related to an  
5 offense under Chapter 109A of Title 18 United States Code  
6 which was within the jurisdiction of the executive branch of  
7 the United States. Specifically, you responded no when asked  
8 by special agents of the Department of Justice Office of  
9 Inspector General, have you ever had sex with an inmate. This  
10 is alleged that that was a lie because in June and July of  
11 2022 you had sex with an inmate while she was working as a --  
12 while you were working as a case manager at the Northlake  
13 Correctional Facility.

14 Do you understand what you've been charged with in  
15 the superseding felony information?

16 THE DEFENDANT: Yes, I do.

17 THE COURT: There are certain elements that the  
18 government would have to prove for you to be guilty of that  
19 offense. They would have to prove a number of elements.  
20 First, they would have to prove that you made a statement.  
21 Second, that the statement was false. Third, that the  
22 statement was material, meaning that it mattered to the person  
23 you were saying it to. Fourth, that you acted knowingly and  
24 willfully, and, fifth, that the statement pertained to the  
25 matter within the jurisdiction of the executive branch of the

1 United States and related to an offense under Chapter 109A of  
2 Title 18 of the United States Code.

3 Do you understand what the elements are that the  
4 government would have to prove for you to be guilty of this  
5 offense?

6 THE DEFENDANT: Yes, I do.

7 THE COURT: There are certain statutory penalties  
8 that are associated with this offense. They are the same as  
9 what we discussed before. You face up to eight years in  
10 prison -- up to eight years in prison, a maximum fine of  
11 \$250,000, a maximum period of supervised release of three  
12 years, special assessment of a hundred dollars, and you could  
13 be subject to restitution. I don't believe that was listed in  
14 the prior penalty sheet. Is there restitution that is  
15 contemplated in this case?

16 MR. REUST: It may not have been, but there is, Your  
17 Honor.

18 THE COURT: All right, thank you.

19 MR. REUST: I think it was in the plea agreement but  
20 it may not have been --

21 THE COURT: All right. Ms. Schucker, do you  
22 understand what the penalties could be in your case?

23 THE DEFENDANT: Yes, I do.

24 THE COURT: We talked last time a little bit about  
25 supervised release. Supervised release is a period of time



1 following incarceration in which a defendant is under the  
2 supervision of the Court. If a defendant violates a term of  
3 her supervised release, she could be sent back to prison, and  
4 in some circumstances that could result in someone spending  
5 more time in prison than what is called for by the statutory  
6 maximum of the offense. Do you understand the concept of  
7 supervised release?

8 THE DEFENDANT: Yes, I do.

9 THE COURT: And you told me before but I want to  
10 reconfirm, has Ms. Nieuwenhuis talked to you about the  
11 sentencing guidelines?

12 THE DEFENDANT: Yes, she has.

13 THE COURT: And you understand that the guidelines  
14 are advisory, but the Court has to calculate them and consider  
15 them in determining your sentence; is that correct?

16 THE DEFENDANT: Yes.

17 THE COURT: And in this case only Judge Beckering can  
18 ultimately determine your guidelines, and after -- we  
19 discussed before that a pre-sentence report would be prepared  
20 and a probation officer would do an initial calculation of  
21 your guidelines. Both you and the government will have the  
22 opportunity to review that and to object to it, and Judge  
23 Beckering won't be able to make a determination about your  
24 advisory guidelines sentence range until all of that has  
25 happened. Do you understand all of that?

1 THE DEFENDANT: Yes, I do.

2 THE COURT: And the Court, Judge Beckering, would  
3 also consider any possible departures under the sentencing  
4 guidelines and will also consider the applicable sentencing  
5 factors that are set out in 18 United States Code 3553(a),  
6 like the nature and circumstances of the offense, your history  
7 and characteristics, the need for the sentence imposed, and  
8 the kinds of sentences available, including the need for  
9 restitution. Do you understand all of that?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: And do you feel like you've had enough  
12 time to talk with Ms. Nieuwenhuis about any of that such that  
13 you have all of your questions answered?

14 THE DEFENDANT: Yes, I do.

15 THE COURT: Judge Beckering has the authority to  
16 impose a sentence that is more or less severe than what's  
17 called for by the guidelines. Do you understand that, too?

18 THE DEFENDANT: Yes.

19 THE COURT: And has anyone made you any promises  
20 about what your sentence will be?

21 THE DEFENDANT: No.

22 THE COURT: That's good, because if your sentence is  
23 more severe than you think it might be, you'll still be bound  
24 by your plea and you won't be able to withdraw on that basis.  
25 Do you understand that, too?

1 THE DEFENDANT: Yes.

2 THE COURT: Parole in the federal system has been  
3 abolished. If you're sentenced to prison, you won't be  
4 released early on parole. Do you understand that, too?

5 THE DEFENDANT: Yes.

6 THE COURT: And if you are convicted of a felony, and  
7 this would be a felony, you may be deprived of certain civil  
8 rights, including the rights to vote, to hold office, to serve  
9 on a jury, and to possess firearms. Do you understand that,  
10 too?

11 THE DEFENDANT: Yes.

12 THE COURT: And I think we decided that she was -- or  
13 discussed -- not decided but discussed that she was a United  
14 States citizens and not on any sort of probation or parole; is  
15 that correct, Ms. Nieuwenhuis?

16 MS. NIEUWENHUIS: It is correct.

17 THE COURT: All right. Do you understand all of the  
18 penalties we just discussed, Ms. Schucker?

19 THE DEFENDANT: Yes.

20 THE COURT: Do you have any questions about any of  
21 that?

22 THE DEFENDANT: No.

23 THE COURT: Do you have any questions about the  
24 advisory sentencing guidelines and how that's calculated?

25 THE DEFENDANT: No. She explained it to me.

1           THE COURT: All right. In some circumstances,  
2           although we'll talk about this a little bit more in connection  
3           with the amended plea agreement, but both you and the  
4           government in some circumstances would have a right to appeal  
5           your sentence. Do you understand that, too?

6           THE DEFENDANT: Yes.

7           THE COURT: I'm going to switch gears and talk to you  
8           a little bit about your rights. You are intending here to  
9           plead guilty to a superseding felony information. You have  
10          the right to be indicted rather than pleading to an  
11          information. An information is a charge that's laid out by  
12          the prosecutor. You have the right, though, to have that  
13          charged reviewed by a grand jury.

14          A grand jury is between 16 and 23 people, different  
15          people than would be the trial jury in your case, who are  
16          charged with reviewing the charges that the government wishes  
17          to bring and a majority of whom have to agree there's probable  
18          cause to support the charge. Do you understand the concept of  
19          indictment?

20          THE DEFENDANT: Yes.

21          THE COURT: And is it your intention to waive your  
22          right to indictment?

23          THE DEFENDANT: Yes.

24          THE COURT: Has anyone threatened, coerced, or  
25          promised you anything to get you to give up your right to

1 indictment?

2 THE DEFENDANT: No.

3 THE COURT: And up on the screen we have the Court's  
4 waiver of an indictment form. Is that your signature on the  
5 form -- on that form?

6 THE DEFENDANT: Yes, it is.

7 THE COURT: And did you read and understand that form  
8 before you signed it?

9 THE DEFENDANT: Yes, I did.

10 THE COURT: Okay. You have the right to plead not  
11 guilty and to persist in that plea and take this case to  
12 trial. You have the right to a trial by jury with the  
13 assistance of your lawyer who, as you know, if necessary,  
14 would be appointed to represent you.

15 You have the right to at least 30 days to prepare for  
16 a trial -- and I should have said, if necessary, to be  
17 appointed to represent you at no cost to you. You have at  
18 least 30 days to prepare for a trial and the right to confront  
19 and cross examine the witnesses that are called against you.  
20 Do you understand all of that?

21 THE DEFENDANT: Yes.

22 THE COURT: You have the right to call witnesses on  
23 your own behalf and to compel their attendance with something  
24 called a subpoena, which is just a court order that would  
25 require them to attend. You have the right not to be

1 compelled to incriminate yourself and the right not to  
2 testify, and if you decided not to testify, Judge Beckering  
3 would instruct the jury that they could not hold that against  
4 you. Do you understand all of that?

5 THE DEFENDANT: Yes.

6 THE COURT: You also have the right to testify and  
7 present evidence on your own behalf, although you're under no  
8 obligation to do that because you're presumed innocent of this  
9 charge and all these charges, and the government and only the  
10 government has the burden of proving you guilty on each charge  
11 beyond a reasonable doubt. Do you understand all of that?

12 THE DEFENDANT: Yes.

13 THE COURT: If you plead guilty there will be no  
14 trial of any kind and you'll be waiving your right to a trial.  
15 You'll be waiving all the rights that I've just explained  
16 except, of course, to have Ms. Nieuwenhuis with you throughout  
17 these proceedings. Do you understand all of the rights I just  
18 explained?

19 THE DEFENDANT: Yes.

20 THE COURT: All right. So to sum up where we are, do  
21 you understand the nature of the charge in the superseding  
22 felony indictment -- information, excuse me, the penalties  
23 provided by law, and your rights as I've explained them to you  
24 both today and two weeks ago?

25 THE DEFENDANT: Yes, I do.

1           THE COURT: Or however long ago. And, again, Ms.  
2 Schucker, have you had enough time to think about it and talk  
3 about with your lawyer what is a very important decision for  
4 your life today?

5           THE DEFENDANT: Yes, I have.

6           THE COURT: And do you feel ready to make that  
7 decision?

8           THE DEFENDANT: Yes. I do.

9           THE COURT: In that case, how do you plead to the  
10 charge in the superseding felony information charging making a  
11 materially false statement?

12          THE DEFENDANT: Guilty.

13          THE COURT: Has anyone threatened you to get you to  
14 plead guilty?

15          THE DEFENDANT: No.

16          THE COURT: Anyone forcing you to plead guilty?

17          THE DEFENDANT: No.

18          THE COURT: Anyone made any promises apart from  
19 what's in the plea agreement?

20          THE DEFENDANT: No.

21          THE COURT: Is your choice purely voluntary and an  
22 act of free will?

23          THE DEFENDANT: Yes.

24          THE COURT: And, again, do you feel like you've had  
25 adequate time to think about it and talk about it with your

1 lawyer?

2 THE DEFENDANT: Yes.

3 THE COURT: All right. I understand that there is an  
4 amended plea agreement which is filed at ECF number 31. It's  
5 nine pages long. Do you have that in front of you there, Ms.  
6 Schucker?

7 THE DEFENDANT: Yes.

8 THE COURT: And is that your signature on page nine  
9 of this agreement?

10 THE DEFENDANT: Yes.

11 THE COURT: And did you read and understand this  
12 whole agreement before you signed it?

13 THE DEFENDANT: Yes.

14 THE COURT: Did you talk with your lawyer about it  
15 and was she able to answer any questions you had about this  
16 agreement?

17 THE DEFENDANT: Yes.

18 THE COURT: And so you agree with everything that's  
19 in these nine pages?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: All right. It says that -- the paragraph  
22 above your name says, I have read this agreement and carefully  
23 discussed every part of it with my lawyer, my attorney. I  
24 understand the terms of this agreement and I voluntarily agree  
25 to those terms.



1           My attorney has advised me of my rights, of possible  
2 defenses, of the sentencing provisions, and of the  
3 consequences of entering into this agreement.

4           No promises or inducements have been made to me other  
5 than those contained in this agreement. No one has threatened  
6 or forced me in any way to enter into this agreement.

7           Finally, I'm satisfied with the representation of my  
8 attorney in this matter.

9           Was all of that true when you signed this agreement?

10          THE DEFENDANT: Yes.

11          THE COURT: And is it true today?

12          THE DEFENDANT: Yes.

13          THE COURT: And did you sign this agreement on or  
14 about December 13th of 2023?

15          THE DEFENDANT: Yes, I did.

16          THE COURT: All right. I would note that I also see  
17 Mr. Reust's signature at the top of the page and, Ms.  
18 Nieuwenhuis, that's your signature at the bottom?

19          MS. NIEUWENHUIS: It is, Your Honor.

20          THE COURT: All right. At this point I'm going to  
21 ask the government to place on the record whatever portions of  
22 the amended plea agreement it thinks should be memorialized in  
23 open court, skipping over what I have covered and the factual  
24 basis for now. At the end of that I'm going to ask you some  
25 questions about that.

1 MR. REUST: I'm going to begin on page 4 of the  
2 amended plea agreement, Your Honor.

3 Paragraph 7 states that the United States agrees to  
4 dismiss the underlying indictment at the time of Ms.  
5 Schucker's sentencing.

6 Paragraph 8 says that if Ms. Schucker qualifies, the  
7 United States would intend to move for an additional one level  
8 off of her offense level if the adjusted offense level is 16  
9 or greater.

10 Turning to paragraph -- or page 5, I'm sorry,  
11 paragraph 10 states that the parties have no agreement about  
12 the final sentencing guidelines range.

13 Paragraph 11, and this is important to the  
14 government, it states that Ms. Schucker agrees not to seek or  
15 obtain future employment in any facility that serves as a  
16 correctional institution, including any prison, jail, halfway  
17 house, or reentry center.

18 Going on to page 6, waiver of other rights. The  
19 Court has already alluded to this, but this is an appellate  
20 waiver, and it states generally in sub-paragraph A that Ms.  
21 Schucker agrees to waive all appellate rights except for those  
22 explicitly reserved in sub-paragraph B, and those ones that  
23 are reserved in sub-paragraph B are, first, that defendant's  
24 sentence on any count of conviction exceeded the statutory  
25 maximum; second, on page 7, that defendant's sentence was

1 based on unconstitutional factors such as race, religion,  
2 national origin, or gender; third, that the guilty plea was  
3 involuntary or unknowing; or, five (sic), that an attorney who  
4 represented the defendant during the course of the criminal  
5 case provided constitutionally ineffective assistance of  
6 counsel.

7 Paragraph 14 states that Ms. Schucker agrees to not  
8 make FOIA requests for the underlying investigative materials  
9 in this case.

10 Paragraph 15 states that the Court is not a party to  
11 the agreement.

12 Turning to page 8, paragraph 16 outlines that this  
13 agreement is limited to the parties. Specifically, that I can  
14 only bind the U.S. Attorney's Office for the Western District  
15 of Michigan and not any other branches of the U.S. Attorney's  
16 office.

17 Paragraph 17 outlines that if Ms. Schucker were to  
18 breach the plea agreement, the parties would be placed in  
19 their pre-plea agreement position and the United States could  
20 bring any charges that were warranted.

21 And then paragraph 18 states this is the complete  
22 agreement.

23 THE COURT: Thank you. Ms. Schucker, did you hear  
24 everything that Mr. Reust just said?

25 THE DEFENDANT: I did.

1 THE COURT: And do you disagree with anything that  
2 Mr. Reust just said?

3 THE DEFENDANT: Do I disagree?

4 THE COURT: Do you disagree?

5 THE DEFENDANT: No, I don't disagree with anything.

6 THE COURT: All right. Couple of points just so that  
7 you are -- I want to make sure that you are aware of. You  
8 heard him say that by agreeing to this plea agreement,  
9 pleading guilty to this charge, you won't be able to seek or  
10 obtain future employment in any sort of correctional  
11 institution, including halfway houses or reentry centers. Do  
12 you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: And prisons and jails obviously, too. Do  
15 you understand that, too?

16 THE DEFENDANT: Yes.

17 THE COURT: All right. And in addition you are  
18 agreeing to waive virtually all of your appeal rights. You  
19 have some un-waivable rights, and this is both for a direct  
20 appeal of your sentence but also a -- any sort of collateral  
21 attack or habeas petition that you could file down the road,  
22 which would be a civil or collateral attack on your sentence  
23 or conviction.

24 Do you understand that you are giving up essentially  
25 all of those rights?

1 THE DEFENDANT: Yes.

2 THE COURT: All right. Do you think you've been  
3 promised, Ms. Schucker, anything that is not in the amended  
4 plea agreement?

5 THE DEFENDANT: No.

6 THE COURT: All right. Ms. Nieuwenhuis, anything  
7 else you want to put on the record about the plea agreement?

8 MS. NIEUWENHUIS: No, Your Honor. Thank you.

9 THE COURT: And are you aware of any side agreements?

10 MS. NIEUWENHUIS: I am not, Your Honor.

11 THE COURT: Mr. Reust, are you?

12 MR. REUST: No. There are none, Your Honor.

13 THE COURT: All right. So, one more time, do you  
14 feel you've had adequate time to review the plea agreement and  
15 talk about it with your lawyer before agreeing to it?

16 THE DEFENDANT: Yes.

17 THE COURT: Now, only Judge Beckering can decide  
18 whether to accept or reject the plea agreement, which she'll  
19 do at the time of sentencing. Do you understand that, too?

20 THE DEFENDANT: Yes.

21 THE COURT: All right. Then what remains is for us  
22 to determine that there is a factual basis for the plea,  
23 meaning that you actually did the crime that you're guilty of,  
24 which is important and was the hang up last time, so you  
25 understand that it's important.

1           There is a factual basis of guilt set out in the plea  
2           agreement -- the amended plea agreement. Mr. Reust, I don't  
3           know if you want to just walk through that or if you have  
4           something else you want to add to that or subtract from that,  
5           but I'll let you put the factual basis on the record.

6           MR. REUST: I would just walk through that, Your  
7           Honor.

8           So, reading the relevant portions of paragraph 6 of  
9           the plea agreement which appears on page 3 and I think  
10          continues over to page 4, in June and July of 2022 the  
11          defendant engaged in a sexual relationship with an inmate at  
12          the Northlake Correctional Facility in Baldwin, Michigan,  
13          where she was employed as a case manager. She had intercourse  
14          with that inmate on multiple occasions.

15          On September 7th of 2022 the defendant was  
16          interviewed by special agents of the Department of Justice  
17          Office of Inspector General at the Northlake Correctional  
18          Facility. Investigators asked the defendant, quote, have you  
19          ever had sex with an inmate, end quote. The defendant  
20          responded, quote, no, end quote.

21          That was a lie and defendant knew it was a lie.  
22          Prior to speaking with those investigators the defendant was  
23          informed that lying to the investigators was a violation of  
24          federal law. Defendant's intentionally false statement was  
25          material to the Department of Justice Office of Inspector

1 General because it was relevant to their underlying  
2 investigation into sex with an inmate.

3 At the time defendant had sex with the inmate and  
4 during her interview the Northlake Correctional Facility was a  
5 federally contracted facility where Bureau of Prisons' inmates  
6 were held so the United States had jurisdiction over matters  
7 occurring there.

8 THE COURT: And is it also fair to say that the crime  
9 they were investigating was within Chapter 109A of Title 18?

10 MR. REUST: That's correct, Your Honor. Sexual abuse  
11 of a ward.

12 THE COURT: Sexual abuse of a ward under 18 United  
13 States Code 2243(b)? All right.

14 Ms. Schucker, did you hear everything that Mr. Reust  
15 just said?

16 THE DEFENDANT: Yes, I did.

17 THE COURT: Do you agree with everything that Mr.  
18 Reust just said?

19 THE DEFENDANT: Yes, I do.

20 THE COURT: All right. In June and July of 2022 did  
21 you have a sexual relationship with an inmate at the Northlake  
22 Correctional Facility in Baldwin, Michigan?

23 THE DEFENDANT: Yes, I did.

24 THE COURT: And that person was an inmate at the  
25 time?

1 THE DEFENDANT: Yes.

2 THE COURT: And at that time you were a case manager  
3 there?

4 THE DEFENDANT: Yes.

5 THE COURT: On September 7th of 2022 were you  
6 interviewed by special agents of the Department of Justice  
7 Office of Inspector General?

8 THE DEFENDANT: Yes.

9 THE COURT: And did that interview happen at the  
10 Northlake Correctional Facility?

11 THE DEFENDANT: Yes.

12 THE COURT: Which is in this judicial district, I  
13 assume. It's Lake -- is it Lake County?

14 MS. NIEUWENHUIS: Yes.

15 THE DEFENDANT: Yes.

16 THE COURT: All right. And they asked you have you  
17 ever had sex with an inmate? Did they ask you that?

18 THE DEFENDANT: Yes.

19 THE COURT: And you responded, no?

20 THE DEFENDANT: Yes, I did.

21 THE COURT: And did you know that that was a lie at  
22 the time?

23 THE DEFENDANT: Yes, I did.

24 THE COURT: All right. And they had informed you  
25 that lying to investigators is a violation of federal law?



1 THE DEFENDANT: Yes.

2 THE COURT: And that will -- you agree that that  
3 false statement was material to their investigation of whether  
4 or not you should be charged with sexual abuse of a ward?

5 THE DEFENDANT: Yes.

6 THE COURT: And that's what was charged in your  
7 original indictment; do you recall that?

8 THE DEFENDANT: Yes.

9 THE COURT: All right. Well, at all times relevant  
10 to this charge, so June and July and September of 2022 the  
11 Northlake Correctional Facility was a federally contracted  
12 facility, correct?

13 THE DEFENDANT: Yes.

14 THE COURT: At least, you don't agree with that?

15 THE DEFENDANT: No, I don't disagree. I just had to  
16 try and think when they closed it down but, yes, it was  
17 still --

18 THE COURT: All right. And Bureau of Prisons'  
19 inmates were held there at the time?

20 THE DEFENDANT: Yes.

21 THE COURT: Mr. Reust, are you satisfied there's a  
22 factual basis?

23 MR. REUST: Yes, Your Honor.

24 THE COURT: Ms. Nieuwenhuis, are you?

25 MS. NIEUWENHUIS: I am, yes, Your Honor.

1 THE COURT: Thank you. I am as well, and I'll make  
2 the following findings:

3 I find that the defendant understands the nature of  
4 the charge and the penalties provided by law. I find that the  
5 plea is made knowingly and with full understanding of each of  
6 the rights that I've explained. I find that the plea is  
7 voluntary and free of any force, threats, or promises apart  
8 from what's in the plea agreement. I find also, as I said,  
9 that the plea has a sufficient factual basis.

10 I will defer acceptance of the plea agreement to  
11 Judge Beckering which decision will be made after she's had an  
12 opportunity to review the pre-sentence report, and I will  
13 recommend that Judge Beckering accept the plea and adjudicate  
14 you guilty.

15 The parties will have 14 days from the service of my  
16 report and recommendation to make any objections to it.

17 So, the next thing that will happen is Judge  
18 Beckering's case manager will set a sentencing hearing.  
19 Usually those run three to four months out. Probably a little  
20 closer to four these days, is that fair to say?

21 THE CLERK: Yes.

22 THE COURT: In the meantime, between now and then Ms.  
23 Nieuwenhuis will need your help in order to provide the  
24 information to the probation officer who will draft that  
25 pre-sentence report that we've discussed at length now, so she

1 will be in contact with you regularly and need your assistance  
2 in preparing for that.

3 Do you understand, Ms. Schucker, everything that  
4 happened in court today?

5 THE DEFENDANT: Yes, I do.

6 THE COURT: Do we need to address bond in any  
7 respect?

8 MR. REUST: I don't believe so, Your Honor.

9 THE COURT: All right. You're going to stay on bond  
10 pending sentencing. It is important that you keep the terms  
11 of your bond in mind. It can be a really stressful time for  
12 people. Right now you've just plead guilty to a felony and  
13 you're awaiting sentencing, and that can sometimes cause  
14 people to do crazy things, and I would advise you strongly  
15 that violating your bond would be about the worst thing you  
16 can do pending your sentencing in the case. Do you understand  
17 all of that?

18 THE DEFENDANT: Yes, I do.

19 THE COURT: Did you understand everything that  
20 happened in court today?

21 THE DEFENDANT: Yes, I do.

22 THE COURT: And do you have any questions at all for  
23 me?

24 THE DEFENDANT: No, ma'am.

25 THE COURT: Counsel, anything else we need to take

1 up? Ms. Nieuwenhuis?

2 MS. NIEUWENHUIS: No, Your Honor. Thank you.

3 THE COURT: Mr. Reust?

4 MR. REUST: No, Your Honor. Thank you.

5 THE COURT: Did I forget anything?

6 MR. REUST: Not that I noticed, Your Honor.

7 THE COURT: All right. Then we'll be adjourned.

8 THE CLERK: All rise, please. Court is adjourned.

9 *(Whereupon, hearing concluded at 3:29 p.m.)*

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

I certify that the foregoing is a transcript from  
the Liberty Court Recording System digital recording of the  
proceedings in the above-entitled matter to the best of my  
ability.

/s/ Genevieve A. Hamlin  
Genevieve A. Hamlin, CSR, RMR, CRR  
U.S. District Court Reporter  
Grand Rapids, MI 49503